

Applicant: SINGER
U.S. Serial No: 10/577,632
U.S. Filing Date: December 21, 2006
Reply to Restriction Requirement
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REMARKS

The Examiner required restriction among the claims under PCT Rule 13.1 asserting that the pending claims reflect four groups of inventions not so linked as to form a single general inventive concept. The Examiner asserted that the claims fell into the following groups:

- Group I. Claims 1-5 and 14-26, drawn to a mandrel comprising a self supporting metal material jacket;
- Group II. Claims 6-13, drawn to a mandrel comprising a body of ceramic composite material and an external metal material jacket;
- Group III. Claim 27, drawn to a system comprising a nozzle and Danner blow tube; or
- Group IV. Claims 28-30, drawn to a method for using a mandrel for producing glass tubes.

The Examiner also required election of species, if Group I was elected (one of the species in Set A and one of the species in Set B) or if Groups II was elected (one of the species in Set C):

Group I

Set A:

- 1. an inner self support structure comprising a thrust/annular ring; or
- 2. an inner self support structure comprising an embossed/corrugated plate.

Set B:

- 1. metal material is PGM material;
- 2. metal material is platinum alloy; or
- 3. metal material is oxide dispersion strengthened platinum alloy.

Group II

Set C:

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1. ceramic material is a bonded material;
2. ceramic material is a casting slip material; or
3. ceramic material is MgO-MgAl₂O₄.

The Examiner's alleged basis for the restriction is that the present application is not so linked as to form a single inventive concept. The Examiner also alleged that searching Groups I-IV would pose a serious burden on the U.S. Patent Office.

In response, Applicant provisionally elects, with traverse, the subject matter in Group I – Claims 1-5 and 14-26, drawn to a mandrel comprising a self supporting metal material jacket, and elect set A(1) an inner self support structure comprising a thrust or annular ring and elect B(1) where the metal material is a PGM material. Applicant specifically reserves the right to pursue the claims and species not elected in one or more divisional applications.

Applicant respectfully disagrees with the Examiner's restriction, and submits that the Examiner has not met the burden of establishing two or more independent and distinct inventions claimed in one application under 35 U.S.C. § 121. For example, the claims in Groups I-IV all involve a mandrel having a metal material jacket. Thus, the distinctions the Examiner makes between Groups I-IV and the species elections between metal material and ceramic material are unclear and the Examiner has not established that the inventions in Groups I-IV and the species therein are independent and distinct.

Moreover, searching each claim group would not pose a serious burden on the U.S. Patent Office, as the Examiner would almost certainly cite the same reference in one group against the other group (*e.g.*, a mandrel having a metal jacket in Group I against mandrel having an external metal jacket in Group II). Applicant submits that separate searches for each of the alleged groups would be substantially duplicative, and the Examiner has not demonstrated that a search directed to one group is unreasonable or would present an undue burden on the U.S. Patent Office. Accordingly, Applicant respectfully requests that the restriction and the election requirement be reconsidered and withdrawn.

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Conclusion

No additional fee is believed to be due with respect to filing this response. If any additional fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,

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